

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
February 26, 2013
City Council Chambers – Rouss City Hall**

DRAFT

PRESENT: Councilor Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-President Milt McInturff; Mayor Elizabeth Minor; Vice-Mayor Les Veach; President John Willingham (8)

ABSENT: Councilor Jeff Buettner (1)

1.0 President Willingham called the meeting to order at 6:01 p.m.

2.0 Public Comments: (Each person will be allowed 3 minutes to address Council with a maximum of 10 minutes allowed for everyone.)

No citizens came forward to address Council and the President declared the public comment period closed at 6:01 p.m.

3.0 National Historic District Presentation

Planning Director Tim Youmans introduced Laura Trieschmann of E.H.T. Traceries, Inc.

Ms. Trieschmann presented the results of the survey completed on the National Historic District in Winchester. She stated the goal was to look at the national and local areas and make clean lines between the two. They surveyed 385 properties and created a file for each with photos and documented changes made to the property. There are 1,075 buildings listed in the National Registered Historic District and they proposed to add 457 more properties. The current period of significance stopped in 1929 but it has been expanded it to include the mid 20th century to 1964.

Planning Director Tim Youmans stated if Council would like staff to proceed with the nomination request for expanding the National District, a consultant would be needed. \$5,000 has been included in the FY14 budget for staff to contract for consultant services.

Vice-Mayor Veach moved to forward option 1 to Council. *The motion was seconded by Councilor Hill then approved 7/0/1 with President Willingham abstaining.*

4.0 Items for Discussion:

4.1 O-2013-07: AN ORDINANCE TO CONDITIONALLY REZONE 7.74 ACRES OF LAND AT 940 CEDAR CREEK GRADE FROM RESIDENTIAL OFFICE (RO-1) DISTRICT WITH CORRIDOR ENHANCEMENT (CE) DISTRICT OVERLAY TO HIGH DENSITY RESIDENTIAL (HR) DISTRICT WITH PLANNED UNIT DEVELOPMENT (PUD) & CE DISTRICT OVERLAY RZ-12-405

Planning Director Tim Youmans presented the conditional rezoning request that included amended proffers for the property at 940 Cedar Creek Grade which borders the county. He stated the existing zoning of RO-1 is to support non-residential office development. The residential permitted in this district is single family detached residential. The request is to change the RO-1 to HR zoning with a PUD overlay. The Planning Commission recommended approval on a 3/2/1 vote. Mr. Youmans stated staff received an amended proffer statement from the applicant's attorney. The transportation impacts have been adequately addressed but there were concerns from the Planning Commission on the economic impact side. Staff has expressed concerns on the long term potential of school aged children from this development. The recreational improvements and storm water improvements have been proffered. He stated many aspects of the plan are desirable but there are concerns over the impact on the public schools. The applicant has chosen to focus on the part of the Comprehensive Plan to increase housing for young professionals and empty nesters.

Vice-President McInturff asked Economic Redevelopment Director Jim Deskins about his economic opinion on this project. Mr. Deskins stated in a 2011 Comp Market Study commissioned for Winchester, it was reported there is a need for higher rent apartments. Of the 5,500 rental units in the city, there are only 600 higher rental units and only those have occupancy of 98%. The current demand is about 250 units. That demand will grow by 200 units every 5 years.

Councilor Weber asked how this would impact the apartment plan downtown. Mr. Deskins stated the desired areas are Wards Plaza, Meadow Branch and Downtown. If development occurred in other areas, it would delay the development in those areas.

Vice-Mayor Veach stated the School Board has reported they are struggling for funding for more teachers. He questioned there will be only 11 children in the 78 bedrooms. Mr. Youmans stated those numbers are based on a study done by the applicant. Vice-Mayor Veach stated if there are only 4 more youth a year, the schools would be operating on a negative. He expressed his concern over where the money is coming from to support this project and stated he would have a problem if it were to come from the taxpayers.

Councilor Hill asked if a traffic signal would be needed at some time. Mr. Youmans stated Stoneridge will remain a 3-way intersection so it will not need one. The new entrance is further east of it. Harvest Drive will come closer to needing a signal in the future but when looked at it did not warrant a signal.

President Willingham asked what could be done with the property by the owner today. Mr. Youmans stated the owner could by-right do a general or

medical office development in upwards of 100,000 square feet. An alternative would be single family detached residential, probably 27 homes in the area.

President Willingham asked how did it happen that Council rezoned this in the past. Mr. Youmans stated in 1990, Council did not like the direction land use was going and wanted to discourage residential development so they sponsored the rezoning of those parcels. Even in the previous Comp Plan, this area was recommended for non-residential use.

President Willingham asked if approved, how it would be reflected in future development. Mr. Deskins stated it would reduce the demand for development. He stated he should have the information from an updated market study in about 120 days.

Councilor Weber stated when Council votes on this, we need to remember that this will be here for 25-30 years. He did not see anything on the impact on the police department or fire and rescue in that area. He asked if the applicant looked at that or if it had been discussed. Mr. Youmans stated it has been discussed in a round-about way as compared to the Willow Run project to the west where the developer in Frederick County voluntarily proffered \$9,000 per residential unit not age restricted and \$2,000 per residential unit that is age restricted. That was an upfront proffer to Frederick County. In addition to that, they proffered \$100 per unit per year forever to go toward offsetting impacts to public safety specifically fire and rescue. So there has been no proposal or specific impact addressed.

Councilor Weber asked if there has been any discussion on the gateway into the city. Mr. Youmans stated it has been a focus of attention and the applicant has made the structures back as far as possible from Cedar Creek Grade with trees along Cedar Creek Grade.

Councilor Clark asked if there is a precedent for development to proffer money to schools. Mr. Youmans stated there was a single family development to address recreational needs. Staff has not had an apartment complex like this come in.

Mayor Minor asked what the main concerns were from the Planning Commission members that voted against the project. Mr. Youmans stated the main concern was over the fiscal impacts on schools.

Councilor Ben Weber moved to forward O-2013-07 with the understanding that the applicant would revise some of the proffers in regards to the students. He stated the applicant is asking us to turn this into a high density and needs to justify and insure and hold safe the city from any future potential expense.

President Willingham questioned if that is possible since it is not the question in front of Council. City Attorney Anthony Williams stated do that it would need to go back to staff for further discussion with the applicant and then present it to Council if there are any changes.

Councilor Weber stated he does not want to shoot the applicant down knowing how their past projects have turned out but at the same time, Council is tasked with the fiscal responsibility of the city to watch every single cent. He does not believe 10.75 children are all that will be generated in this process and there will be more of an impact on the schools. He would like to find out what the level of impact on Fire & Rescue and Police will be.

Councilor Weber amended his motion to move O-2013-07 forward for approval. *The motion was seconded by Councilor Clark then defeated 1/7 with President Willingham, Mayor Minor, Vice-President McInturff, Vice-Mayor Veach and Councilors Clark, Hill, and Tagnesi.*

4.2 R-2013-13: Resolution – Approval to rename Frontage Road to Mall Boulevard

Mr. Youmans presented the request to rename Frontage Road to Mall Boulevard.

Mayor Minor moved to forward R-2013-13 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/o.*

4.3 Outside Agencies Funding Policy

City Manager Dale Iman presented a proposed policy to fund the outside agencies. He stated currently there is not funding and each year parties become frustrated. The question is to see if Council is interested in having a funding policy for these agencies. If so, several aspects would be established to include eligibility criteria. He stated most communities fund these agencies through the CDBG funding. However, our CDBG funds are obligated over the next 5 years to the Taylor Hotel Revitalization Project. Currently, we use general tax dollars to fund these agencies which compete with the core services of the city. Last year, Council funded 11 agencies for a total of \$192,713. This year, the requests are for \$432,723. This is 2.25% times that amount funded last year but revenues are flat. If Council wishes to establish a formal policy, there are issues to consider such as establishing a mission statement for the program and eligibility criteria. He stated he realizes this would have an impact on agencies that have been funded over many years and suggested doing a step down process. He suggested funding the same agencies that were funded this year and step down over the next 5 years until the CDBG money was available. He stated the recommendation is for Council to direct staff to develop a funding policy with eligibility criteria.

Vice-President McInturff confirmed that the recommendation is for level funding this year and then start it. Mr. Iman stated that would be the recommendation so agencies have a year to prepare. Each agency would be contacted directly to discuss the policy.

Councilor Hill stated having visited many of these organizations, there is a great need. As a tax payer who contributes to these, he does not think his money is wasted. He expressed concern that if the city does not support some of these agencies, it would have a greater impact on the city than thought. He stated there are a lot of families who are struggling who need this money. He likes a plan to hold the agencies accountable. He would like to see the agencies get the amount from this year and step down beginning next year and then use CDBG funds. He thinks this will put citizens at more risk than they can handle which will cost the city more.

Mr. Iman asked for clarification on whether Councilor Hill suggested to fund the same agencies as last year or the additional 10 for a total of 21 agencies. Councilor Hill stated the level funding for the same agencies.

Councilor Clark stated he is uncomfortable with changing the rules of the game in the first year of the game. He suggested funding the 11 agencies at the level as last. He stated he does not want to wean them before the CDBG funds are available though. He suggested level funding for the next budget cycle and looking at the weaning process when the CDBG funds are available.

Vice-President Milt McInturff moved to forward the City Manager's recommendation to Council. *The motion was seconded by Vice-Mayor Veach then approved 7/1 with Councilor Clark voting in the negative.*

4.4 Tax Rate Discussion

Finance Director Mary Blowe stated with using the figures from the recently completed biennial reassessments, staff is recommending a revenue neutral tax rate for Council's consideration.

Vice-Mayor Veach moved to keep the rate level. *The motion was seconded by Councilor Clark then approved 8/0.*

4.5 CIP Financing Plan

Mr. Iman presented the 5 year Capital Improvement Plan and gave a summary of each of the projects. He stated staff is looking at \$25 million in bonding in FY14 - \$20 million for John Kerr Elementary School, \$1 million for the entry road and road improvements, \$1.5 million for the Communications Project, \$1 million for the parking garages, and \$500,000

for sidewalks. The city also has huge equipment needs that need to be brought up to standards.

- 4.6 CU-13-15:** Conditional Use Permit – Request of Benjamin Pelletier on behalf of Shenandoah Personal Communications, LLC for a conditional use permit to upgrade existing telecommunications facilities with additional antennas and a microwave dish at 799 Fairmont Avenue zoned Limited Industrial (M-1) District.

Zoning Administrator Aaron Grisdale presented the request to modify an existing telecommunications facility to remove 6 antennas and put up 9 antennas with minor modification to the ground equipment.

Councilor Clark moved to forward CU-13-15 to Council. *The motion was seconded by Mayor Minor then approved 8/0.*

- 4.7 O-2013-08:** AN ORDINANCE TO AMEND SECTIONS 14-5, 18-7, 18-15, 21-3, AND 23-8 OF THE WINCHESTER ZONING ORDINANCE PERTAINING TO ADMINISTRATIVE REVIEW, SPECIAL REGULATIONS PERTAINING TO THE PRIMARY & SECONDARY DOWNTOWN ASSESSMENT DISTRICTS, OBSTRUCTION OF RIGHT-OF-WAY, CIVIL PENALTIES AND FEES **TA-13-35**

Zoning Administrator Aaron Grisdale presented the ordinance to modify the way the downtown permitting process is done in the primary and secondary district. He stated this would streamline the regulations for the permitting process in the Zoning Ordinance. Proposals would still need to go to the Board of Architectural Review if they are outside of the guidelines. The proposal would not allow permanent attachment of fences to any surface. The only fee that would change is the outside vendors would be charged a daily fee compared to an annual \$150.00 fee. He stated there may be minor adjustments before the first reading after further consultation with the City Attorney.

President Willingham asked how to address aesthetically the possibility of having a row of outdoor cafes on the mall. City Attorney Anthony Williams stated it could be addressed in one of the revisions in the ordinance. It needs to be made clear that the city is not giving the property away. This is a privilege to use it and the city needs to make it clear that this is a right-of-way that the city decides the best use for.

President Willingham asked is the city is requiring additional insurance. Mr. Williams stated it is in the ordinance but he will discuss it with the Risk Manager.

Vice-Mayor Veach moved to forward Oo2013-08 to Council. *The motion was seconded by Councilor Tagnesi then approved 8/0.*

4.8 O-2013-09: AN ORDINANCE TO REPEAL CHAPTER 26, ARTICLE III, DIVISION 2 OF THE WINCHESTER CITY CODE PERTAINING TO SIDEWALK CAFES

Mr. Grisdale presented the ordinance to eliminate the redundancy regarding sidewalk cafes.

Councilor Weber moved to forward O-2013-09 to Council. *The motion was seconded by Councilor Clark then approved 8/o.*

4.9 O-2013-05: AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 2-4, 2-28, AND 2-29 OF THE WINCHESTER CITY CODE PERTAINING TO ELECTION AND REMOVAL OF COUNCIL-ELECT OFFICERS

City Attorney Anthony Williams presented the proposal requested by Council during the recent election of officers and provided two options to have the elections annually or bi-annually. He stated the Vice-Mayor is currently listed in the City Charter as an annual position.

Vice-President McInturff moved to forward option 2 of O-2013-05 to Council. *The motion was seconded by Councilor Hill then approved 8/o.*

4.10 R-2013-11: Resolution – Approval to execute the Clinical Affiliation Agreement and necessary documents between Lord Fairfax Community College and the Winchester Fire & Rescue Department

Fire & Rescue Captain Eddie McClellan presented the request to enter a clinical affiliation agreement with Lord Fairfax Community College and the Winchester Fire and Rescue. LFCC has the only program in the area. Without it, the department would need to send the providers elsewhere to obtain their certifications.

Councilor Clark moved to forward R-2013-11 to Council. *The motion was seconded by Vice-Mayor Veach then approved 8/o.*

4.11 R-2013-12: Resolution – Authorization to apply for a Local Government Challenge Grant to the Virginia Commission for the Arts

Old Town Manager Jennifer Bell presented the request for authorization to apply for the Local Governments Challenge Grant to the Virginia Commission for the Arts to fund Courthouse Concerts in Winchester, First Night in Winchester, and First Friday Celebration of the Arts in Old Town.

Councilor Clark moved to forward R-2013-12 to Council. *The motion was seconded by Mayor Minor then approved 8/o.*

5.0 Report of Liaisons

Vice-Mayor Veach stated the School Board is getting information from the State budget and will have a Finance Committee meeting this Friday to work through the budget process. The board is also looking for the results of the study for the future capacity.

Mr. Iman announced the Parks & Recreation Department has been formally asked to host the 2014 Cal Ripken 10 Year Old World Series. Mr. Iman also welcomed former Fire Chief Frank Wright back as the new Interim Fire Chief.

6.0 Monthly Reports

6.1 Finance Department

7.0 Adjourn

Vice-President McInturff moved to adjourn the meeting at 8:41 p.m. *The motion was seconded by Councilor Clark then approved 8/o.*